

**GENERAL PLAN AMENDMENT PRIORITIZATION POLICY (PLN2016-00277)**  
**Adopted March 15, 2016**

**Proposed General Plan Prioritization Policy:**

Applicability: Projects requiring a General Plan Amendment that would authorize additional market rate residential development, including mixed-use developments with market rate housing, would be subject to this policy. Applications that propose 100% affordable housing or propose a change between non-residential land use designations (e.g., industrial to commercial) would be exempt from this policy. The policy would not impact General Plan Amendment applications deemed complete for processing prior to adoption of this policy. Currently, there is only one such application in the pipeline.

Applications & Schedule: The City will consider applications twice each year. All applications received by July 1st of each year (or first business day after July 1st should it fall on a weekend) will be forwarded to the Planning Commission for their recommendations during August and in turn, to the City Council for final prioritization or disinterest in September. All applications received by December 1st of each year (or first business day after December 1st should it fall on a weekend) will be forwarded to the Planning Commission for their recommendations during January and in turn, to the City Council for final prioritization or disinterest in February.

Application Submittal Requirements: A simplified General Plan Amendment submittal handout (attached) has been drafted outlining the requirements for filing of a General Plan Amendment Prioritization Request. In general, the submittal handout requires less detail and no environmental information need be provided at this stage of consideration. It does, however, require that applicants provide information on how the project would exceed affordability and sustainability standards of the city and/or what community benefits would derive from the project. Staff proposes that the deposit be the same as for processing of a General Plan Amendment. Should a request be granted, any balance of the deposit may be carried over and applied to costs incurred in processing the formal application. Should a request not be granted, the city will refund any unused portion of the deposit.

No Review or Analysis of Applications: City staff would not perform environmental review or other analysis on these applications. Staff would only assemble the application materials for the Commission and Council's consideration and indicate overall capacity to process the applications received should the City Council grant prioritization. Throughout the application screening process, the staff, Planning Commission and City Council will need to be clear that this is only a screening/prioritization process and not a project approval process. Once a General Plan Amendment has been granted priority, the applicant will then need to submit a formal General Plan Amendment application and the project will then undergo formal review (including environmental review) followed by public hearings. That said, there is nothing that would preclude the City Council from expressing that it has no interest in pursuing a particular application, thereby allowing an applicant to save considerable time and money.

Notification: City staff would request that the applicant install courtesy sign(s). Staff would also mail a courtesy notice to all property owners and tenants within 300 feet of the property for which a General Plan Amendment Prioritization Request application is received. The notice would outline the applicant's request, the process for consideration of prioritization and what would happen if the City Council grants subsequent processing authority (e.g., environmental review, neighborhood meeting, public hearings, etc.).

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Presentation of Applications: Staff would assemble application materials for the Commission and Council's consideration at publicly noticed meetings. The applicant and their team would be given ten minutes each at both the Planning Commission and City Council meeting to make their case for why their project should be given priority for processing. The public would then be given one to three minutes each (depending on the number of speakers) to speak on the matter. Following the public speakers, the applicant would be given three minutes to respond to any comments.

City Interests: Requests for additional market rate housing would be evaluated based upon the benefit the project could provide to the community. For example, projects that could provide additional affordable housing (beyond that required by City ordinances) could be given higher priority. Other factors that may influence priority include desirability of the change in land use. Examples include: the conversion and potential cleanup of an isolated industrial site surrounded by residential uses or the provision of sustainability measures (e.g., net zero development) or other amenities serving the broader community. Another prioritization factor already identified in the General Plan is the preference for location within Priority Development Areas, including the Downtown/City Center, Town Centers, and existing and future BART station areas as suggested in Land Use Policy 2-2.10. In addition to the adopted policies within the General Plan, the City Council may also provide subsequent guidance or express interests for future General Plan Amendment requests (e.g., the desire to remove a blighted site might be given priority).

Affordable Housing Exemption: Given that the City has a certified Housing Element and sufficient land zoned to meet its Regional Housing Need Allocation (RHNA) through June 30, 2022, the City is not obligated to grant further General Plan Amendments to accommodate residential growth. That said, meeting the affordable component of the City's RHNA will still prove challenging. In fact, many affordable housing projects have been proposed on land requiring a General Plan Amendment. In recent history, these include: Parc 55-Eden, Lennar-St. Anton and Toll Brothers-Bridge (as part of the Warm Springs/South Fremont Community Plan), Laguna Commons-Abode/MidPen, Cottonwood-Eden, and Stevenson Family Apartments-MidPen. In fact, the only affordable housing proposals that did not require a General Plan Amendment were the Main Street Village and Habitat for Humanity projects. It is quite likely that land already designated for residential development is too expensive and that other non-residentially designated lands are less costly to acquire. Given the high priority to achieve affordability goals, staff proposes that requests for General Plan Amendments on sites to accommodate 100% affordable housing projects would be exempt from the proposed policy.

Economic Exemption: Given the City's economic goals, it is also proposed that the policy not apply to proposed General Plan amendments that would change from one non-residential land use designation to another (e.g., a request to change industrial land use designation to a commercial land use designation).

Sunset Provision: This policy is proposed to sunset on June 30, 2022 (the same time as the current Housing Element cycle ends). This will allow the City to consider the policy in light of certification of a new Housing Element with sufficient land zoned to meet the new RHNA.